

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 8, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Consent to Assign Homestead Lease No. 37, (1) Joseph L. Kaahu, Assignor to Joseph L. Kaahu, Hattie K. Kaahu, Kehaulani M. Kaahu, Kevinnoa K. Kaahu, Assignees, (2) Susiana K. Kanoa, Assignor to Cedric K. Kanoa, Herman Olsen Kanoa, Assignees, (3) Agnes K. Alo, Assignor to Lefty N. Alo, Assignee, Hauula, Koolauloa, Oahu, Tax Map Key 5-4-01:027,030.

APPLICANTS:

- (1) Joseph L. Kaahu, as Assignor, to himself, Joseph L. Kaahu, married, joint tenant, whose mailing address is 54-021A Kukuna Road, Hauula, Hawaii 96717, to Hattie K. Kaahu, joint tenant, whose mailing address is 54-021A Kukuna Road, Hauula, Hawaii 96717, to Kehaulani M. Kaahu, joint tenant, whose mailing address is 54-021A Kukuna Road, Hauula, Hawaii 96717, and to Kevinnoa K. Kaahu, joint tenant, whose mailing address is 54-021A Kukuna Road, Hauula, Hawaii 96717, Assignees.
- (2) Susiana K. Kanoa, as Assignor, to Cedric K. Kanoa, joint tenant whose mailing address is P.O. Box 362, Hauula, Hawaii 96717, and to Herman Olsen Kanoa, joint tenant, whose mailing address is P.O. Box 362, Hauula, Hawaii 96717, Assignees.
- (3) Agnes K. Alo, as Assignor, to Lefty N. Alo, tenant in severalty, whose mailing address is P.O. Box 897, Hauula, Assignee.

LEGAL REFERENCE:

Section 171-99(e), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hauula situated at Hauula, Koolauloa, Oahu identified by Tax Map Key: 5-4-01:027,030 as shown on the attached map labeled Exhibit "A".

AREA:

1.163 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

999 years, commencing on May 25, 1922 and expiring on May 24,
1921.

ANNUAL RENTAL:

None

CONSIDERATION:

None

DCCA VERIFICATION:

Individual, not applicable.

REMARKS:

Homestead Lease No. 37, issued on June 30, 1922 from the Territory of Hawaii to Joseph Kaahu for a term of 999 years, includes Lot 25-A, as shown on Government Survey Registered Map No. 2000, at Hauula, District of Koolauloa, City and County of Honolulu, island of Oahu, State of Hawaii.

The Office of the Commissioner of Public Lands issued a document, dated February 27, 1933, attached as Exhibit "B" vesting James Kaahu as brother and heir of Joseph Kaahu possession of Homestead Lease No. 37.

By Decree, dated May 22, 1979, filed in the First Circuit Court under S.P. No. 4799, attached as Exhibit "C", it was determined that James Kailiuli Kaahu died on October 2, 1940 and at the time of his death he left an estate including Homestead lease No.

37. It was further decreed that the leasehold was vested in the following children of James Kailiuli Kaahu:

John Swenson Aikake Kaahu, (now deceased)
Maraena Kauahiokaleponi Kaahu Kahana, (now deceased)
Julia Leihulu Kaahu Pahia, (now deceased)
Minnie Nahalehau Kaahu Crampton, (now deceased)
Agnes Kealoha Kaahu Alo, (surviving)
James Kailiuli Kaahu, Jr., (now deceased)
Susiana Keliikaapune Kaahu Kanoa, (surviving)
Elmer Kiha Kaahu, (now deceased), and
Joseph Lewis Kuuhomealoha Kaahu, (surviving).

Pursuant to this Decree of Determination issued on May 22, 1979, title interests to Homestead Lease No. 37 are currently held by these living children and heirs of James Kaahu, namely:

Joseph Lewis Kuuhomealoha Kaahu
Susiana Keliikaapune Kaahu Kanoa, and
Agnes Kealoha Kaahu Alo

These individuals want to assign their interests to their children now to insure the management of the leasehold passes to them pursuant to Section 171-99(e) of the Hawaii Revised Statutes.

This Section states that "No existing certificate of occupation or existing homestead lease, or fractional interest there of, shall be transferable or assignable except by conveyance, devise, bequest, or intestate succession and with the prior approval of the board of land and natural resources; provided that transfer or assignment by conveyance, devise, bequest shall be limited to a member or members of the occupier's or lessee's family. For purposes of this section, "family" means the spouse, reciprocal beneficiary, children, parents, siblings, grandparents, grandchildren, nieces, and nephews of the occupier or lessee."

Joseph Lewis Kuuhomealoha Kaahu wants to assign his interest to himself, to his wife Hattie K. Kaahu, to his daughter, Kehaulani M. Kaahu, and to his son Kevinnoa K. Kaahu, as joint tenants.

Susiana Keliikaapune Kaahu Kanoa wants to assign her interest to her sons Cedric K. Kanoa and Herman Olsen Kanoa, as joint tenants.

Agnes Kealoha Kaahu Alo wants to assign her interest to her son Lefty N. Alo as tenant in severalty.

The lessees are in compliance with all lease terms and conditions of the lease.

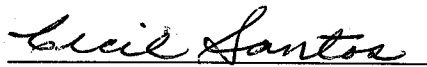
The lessees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with terms of the disposition.

RECOMMENDATION:

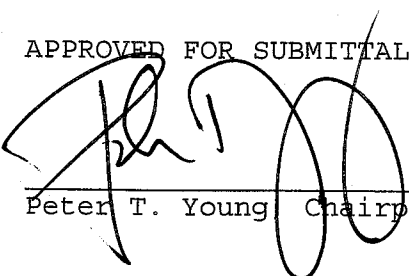
That the Board consent to the assignment of Homestead lease No. 37 from:

- (1) Joseph L. Kaahu, as Assignor, to himself, Joseph L. Kaahu, as a joint tenant, to Hattie K. Kaahu, as a joint tenant, to Kehaulani M. Kaahu as a joint tenant, and to Kevinnoa K. Kaahu as a joint tenant, as Assignees.
- (2) Susiana K. Kanoa, as Assignor, to Cedric K. Kanoa, as a joint tenant, and to Herman Olsen Kanoa as a joint tenant, as Assignees; and
- (3) Agnes K. Alo, as Assignor, to Lefty N. Alo, as a tenant in severalty, Assignee, subject to the following:
 1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General; and
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Cecil Santos
Oahu District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young Chairperson

POB. HAUULA, KOOLAULOA, OAHU



EXHIBIT "A"

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that, JOSEPH KAAHU, holder and occupier of Lot 25-A, Hauula Homesteads, Koolauloa, Oahu, under Homestead Lease No. 37, died October 16, 1932, and to the best of my knowledge and belief, after diligent search of the records and other sources based on information furnished by James Kaahu, of Waialea, I believe the said James Kaahu and his sister, (Mrs.) Leihulu Kaohial, to be the surviving heirs at law of the said Joseph Kaahu, the parents of said Joseph Kaahu having previously died, and the said Joseph Kaahu not being married during his life time, and further

THAT, James Kaahu is desirous of taking possession of Lot 25-A, formerly occupied by his deceased brother, Joseph Kaahu, and in doing so desires to purchase the interest of his sister, Leihulu, who already is in possession of Lot 30, Hauula Homesteads, under Homestead Lease No. 27, issued to her deceased husband, Piko Kupeanana, and for such purpose, he, James Kaahu, in accordance with Section 507, Revised Laws of Hawaii 1925, deposited with the undersigned the sum of ONE DOLLAR (\$1.00) for said purpose, and

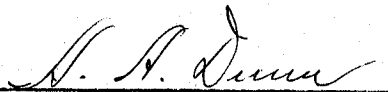
THAT, in accordance with Section 507, Revised Laws of Hawaii 1925, the undersigned wrote the said (Mrs.) Leihulu Kaohial, sister of James Kaahu and Joseph Kaahu, deceased, on December 3, 1932, offering the sum of ONE DOLLAR (\$1.00) for her interest in her deceased brother Joseph's Homestead Lot 25-A, covered by Homestead Lease No. 37, on behalf of her brother James Kaahu, and

THAT, the said Leihulu Kaohial failed to reply with-

in the sixty (60) days required by law, and on account of said failure, she is hereby declared to have forfeited to her brother James Kaahu, all right or any interest she or her heirs may have had as an heir, to the said Joseph Kaahu, deceased, in Lot 25-A, Hauula Homesteads, covered by Homestead Lease No. 37, and

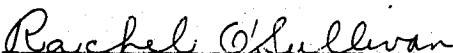
AND, the said James Kaahu, as such brother and heir of the said Joseph Kaahu, deceased, and his descendants, in accordance with Section 505, Revised Laws of Hawaii 1925, is hereby vested with the possession of said Lot 25-A, Hauula Homesteads, under the conditions of said Homestead Lease No. 37, and is hereby authorized to occupy the said lot, subject to the performance of all the unperformed conditions contained in said Homestead Lease No. 38, in like manner as the said Joseph Kaahu would have been subject to such performance if he had continued alive.

DONE at Honolulu, in the Office of the Commissioner of Public Lands, Territorial Office Building, this 27th day of February, A. D. 1933.


A. A. Dunn,
Subagent, Fifth Land District

TERRITORY OF HAWAII)
) Ss
CITY AND COUNTY OF HONOLULU)

On this 27th day of February, A. D. 1933, before me personally appeared A. A. DUNN, Subagent, Fifth Land District, to me known to be the person who executed the foregoing instrument under and by virtue of the authority in him vested by Section 507, Revised Laws of Hawaii 1925, that the seal affixed to said instrument is his seal of office, and acknowledged to me that he executed the same as his free act and deed as such Subagent.


Rachel O'Sullivan
Notary Public, First Judicial
Circuit, Territory of Hawaii.

1st CIRCUIT COURT
STATE OF HAWAII
FILED

579 MAY 24 AM 9 28

H. Seto
H. SETO
CLERK

DOUTHIT & DARRAH
Of Counsel

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Honolulu, Hawaii 96813
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Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of the
Determination and
Declaration of Heirs

of

JAMES KAILIULI KAAHU,

Deceased.

) S. P. No. 4799

) DECREE OF THE DETERMINATION
) AND DECLARATION OF JAMES
) KAILIULI KAAHU, DECEASED,
) INTTESTATE

DECREE OF THE DETERMINATION AND
DECLARATION OF JAMES KAILIULI
KAAHU, DECEASED, INTTESTATE

The Petition of JOHN SWENSON AIKAKE KAAHU praying for a Decree of Determination of Heirs of JAMES KAILIULI KAAHU, Deceased, Intestate, having come on for hearing on the 23rd day of March, 1979, and evidence being adduced on behalf of the Petitioners, it appears to be to the Court and the Court finds:

That Notice of Hearing was given in the manner and form provided by law and the Order of this court:

That said JAMES KAILIULI KAAHU died on the 2nd day of October, 1940, at Hauula, Oahu, State of Hawaii; that no will or testament of said decedent has been found; that said decedent was a resident of Oahu, State of Hawaii, at the time of his death, and that he left an estate within the jurisdiction of this Court consisting of the following interest in real property:

EXHIBIT "C"

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Mildred Koushan
Clerk, Circuit Court, First Circuit
State of Hawaii

HOMESTEAD LEASE NO. 37
TO JOSEPH KAAHU FOR HOMESTEAD
LOT 25-A HAUULA, KOOKAULOA,
OAHU, FIFTH LAND DISTRICT

That the decedent was married at the time of his death and left surviving him twelve children as heirs-at-law who were then adults.

That the children are the petitioners, JOHN SWENSON AIKAKE KAAHU, and also ETHEL NALEIOLAIE KAAHU COX, MARAENA KAUAHIOKALEPONI KAAHU KAHANA, JULIA LEIHULA KAAHU PAHIA, MINNIE NAHALEHAU KAAHU CRAMPTON, AGNES KEALOHA KAAHU ALO, MATTHEW PUNA KAAHU, CHARLES BRIDGES KAAHU, JAMES KAILIULI KAAHU, JR., SUSIANA KELIIKAAPUNE KAAHU KANOA, ELMER KIHA KAAHU, and JOSEPH LEWIS KUUHOMEOLOHA KAAHU.

That all of the children continue to survive except ETHEL NALEIOLAIE KAAHU COX, who died on December 31, 1947, MATTHEW PUNA KAAHU, who died on July 22, 1967, and CHARLES BRIDGES KAAHU, who died on July 16, 1951.

That the above-named heirs are the only persons interested in the above-entitled proceeding.


That decedent's wife and widow, LIBBY SMITH KAAHU, died on the 17th day of February, 1963, at Kahuku, Oahu, State of Hawaii, not having remarried and without further issue.

That no judicial determination and declaration of the heirs of said decedent has heretofore been had, nor any probate proceedings of the estate of said decedent; that pursuant to Section 171-99(e), Hawaii Revised Statutes, title to the above-property became vested in the now living heirs, namely: JOHN SWENSON AIKAKE KAAHU, MARAENA KAUAHIOKALEPONI KAAHU KAHANA, JULIA LEIHULU KAAHU PAHIA, MINNIE NAHALEHAU KAAHU CRAMPTON, AGNES KEALOHA KAAHU ALO, JAMES KAILIULI KAAHU, JR., SUSIANA KELIIKAAPUNE KAAHU KANOA, ELMER KIHA KAAHU, and JOSEPH

LEWIS KUUHOMEALOHA KAAHU; that the now living heirs were unable to exercise such incidents of ownership of said property above-described or any part thereof because of lack of judicial determination of heirs of said decedent.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the heirs-at-law of the said JAMES KAILIULI KAAHU, Deceased, Intestate, for purposes of Section 171-99(e), Hawaii Revised Statutes, are: JOHN SWENSON AIKAKE KAAHU, MARAENA KAUAHIKALEPONI KAAHU KAHANA, JULIA LEIHULU KAAHU PAHIA, MINNIE NAHALEHAU KAAHU CRAMPTON, AGNES KEALOHA KAAHU ALO, JAMES KAILIULI KAAHU, JR., SUSIANA KELIKAAPUNE KAAHU KANOA, ELMER KIHA KAAHU, and JOSEPH LEWIS KUUHOMEALOHA KAAHU.

DATED: Honolulu, Hawaii, MAY 22 1979.


Judge of the above-entitled Court